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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON
11 AT YAKIMA

12 MICHAEL SCOTT BRUMBACK,
13 an individual; and GIMME GUNS,
14 a sole proprietorship,

15 Plaintiffs,

16 v.

17 ROBERT W. FERGUSON, in his
18 official capacity as Washington
19 State Attorney General; JOHN R.
20 BATISTE, in his official capacity as
21 Chief of the Washington State
22 Patrol; ROBERT UDELL, in his
23 official capacity as Sheriff for
24 Yakima County, Washington; and
25 JOSEPH A. BRUSIC, in his official
26 capacity as County Prosecutor for
Yakima County,

Defendants.

No. 1:22-cv-03093-MKD

ALLIANCE FOR GUN
RESPONSIBILITY'S
ANSWER TO PLAINTIFFS'
COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY RELIEF

Intervenor-Defendant Alliance for Gun Responsibility (the “Alliance”) answers the Complaint for Injunctive and Declaratory Relief (the “Complaint”) of Plaintiffs Michael Scott Brumback and Gimme Guns (“Plaintiffs”) as follows:

The three unnumbered paragraphs at the outset of the Complaint contain characterizations of this action and legal conclusions or argument to which no response is required. To the extent a response is required, the Alliance denies the same.

I. INTRODUCTION

1. The Alliance lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 1, which shall have the effect of a denial.

2. Paragraph 2 contains legal conclusions and argument to which no response is required. To the extent a response is required, the Alliance denies the same. The Alliance lacks sufficient knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 2, which shall have the effect of a denial.

3. Paragraph 3 consists of legal conclusions or argument to which no response is required. To the extent a response is required, the Alliance denies the same.

1 4. Paragraph 4 consists of legal conclusions or argument to which no
2 response is required. To the extent a response is required, the Alliance denies the
3 same.

4 5. The websites cited in Paragraph 5 speak for themselves. The Alliance
5 denies all allegations, inferences, and characterizations in Paragraph 5 inconsistent
6 with the cited websites. Paragraph 5 also consists of legal conclusions or argument
7 to which no response is required, but to the extent a response is required, the
8 Alliance denies the same. The Alliance lacks sufficient knowledge or information
9 to form a belief about the truth of the remaining allegations in Paragraph 5, which
10 shall have the effect of a denial.
11

12 6. Paragraph 6 consists of characterizations of this action or legal
13 conclusions or argument to which no response is required. To the extent a response
14 is required, the Alliance denies the same.
15

16 7. Paragraph 7 consists of characterizations of this action or legal
17 conclusions or argument to which no response is required. To the extent a response
18 is required, the Alliance denies the same.
19

20 8. Paragraph 8 consists of legal conclusions or argument to which no
21 response is required. To the extent a response is required, the Alliance denies the
22 same.
23

1 9. Paragraph 9 contains legal conclusions and argument to which no
2 response is required. To the extent a response is required, the Alliance denies the
3 same. The Alliance specifically denies the assertion that there is not a historical
4 tradition of firearm regulation that supports the firearm limits set forth in
5 Engrossed Substitute Senate Bill 5078 (“ESSB 5078”).
6

7 10. Paragraph 10 consists of legal conclusions or argument to which no
8 response is required. To the extent a response is required, the Alliance denies the
9 same.
10

11 11. The Alliance admits that ESSB 5078 was signed by Governor Jay
12 Inslee and took effect July 1, 2022. The Alliance denies the remainder of
13 Paragraph 11.

14 12. Paragraph 12 consists of legal conclusions or argument to which no
15 response is required. To the extent a response is required, the Alliance denies the
16 same.
17

18 13. Paragraph 13 consists of legal conclusions or argument to which no
19 response is required. To the extent a response is required, the Alliance denies the
20 same. The Alliance specifically denies the assertion in Paragraph 13 that “ESSB
21 5078 will not stop or slow mass shootings.”

22 14. The Alliance denies the first sentence of Paragraph 14. The remainder
23 of Paragraph 14 consists of descriptive characterizations, legal conclusions, or
24

1 argument to which no response is required, but to the extent a response is required,
2 the Alliance denies the same.

3 15. The Alliance admits that criminals use large-capacity magazines
4 (“LCMs”) to commit crimes and kill innocent people. The Alliance denies the
5 second and third sentences of Paragraph 15. The remainder of Paragraph 15
6 consists of descriptive characterizations, legal conclusions, or argument to which
7 no response is required, but to the extent a response is required, the Alliance denies
8 the same.
9

10 16. The websites cited in Paragraph 16 speak for themselves. The
11 Alliance denies all allegations, inferences, and characterizations in Paragraph 16
12 inconsistent with the cited websites. The Alliance specifically denies Paragraph
13 16’s assertion or suggestion that LCMs, whether used with rifles or other types of
14 firearms, are not commonly used in killings and other violent crimes in the United
15 States.
16

17 17. Denied.

18 18. Paragraph 18 consists of legal conclusions or argument to which no
19 response is required. To the extent a response is required, the Alliance denies the
20 same.
21
22
23

1 19. Paragraph 19 consists of legal conclusions or argument to which no
2 response is required. To the extent a response is required, the Alliance denies the
3 same.

4 20. Paragraph 20 consists of legal conclusions or argument to which no
5 response is required. To the extent a response is required, the Alliance denies the
6 same.

7 21. The website cited in Paragraph 21 speaks for itself. The Alliance
8 denies all allegations, inferences, and characterizations in Paragraph 21
9 inconsistent with the cited website. The Alliance lacks sufficient knowledge or
10 information to form a belief about the truth of the remaining allegations in
11 Paragraph 21, which shall have the effect of a denial.

12 22. The Alliance lacks sufficient knowledge or information to form a
13 belief about the truth of the allegations in Paragraph 22, which shall have the effect
14 of a denial.

15 23. The Alliance lacks sufficient knowledge or information to form a
16 belief about the truth of the allegations in Paragraph 23, which shall have the effect
17 of a denial.

18 24. The Alliance admits that semiautomatic weapons, military style
19 weapons, and LCMs are used to commit crime in Washington. The Alliance lacks
20

1 sufficient knowledge or information to form a belief about the truth of the
2 remaining allegations in Paragraph 24, which shall have the effect of a denial.

3 25. The Alliance lacks sufficient knowledge or information to form a
4 belief about the truth of the allegations in Paragraph 25, which shall have the effect
5 of a denial.
6

7 26. The Alliance lacks sufficient knowledge or information to form a
8 belief about the truth of the allegations in Paragraph 26, which shall have the effect
9 of a denial.
10

11 27. Paragraph 27 contains subjective characterizations and hypothetical
12 opinion to which no response is required. To the extent a response is required, the
13 Alliance denies the same. The Alliance specifically denies Paragraph 27's assertion
14 that ESSB 5078 would put law-abiding citizens at greater risk in the scenario
15 described in Paragraph 27. The remainder of Paragraph 27 consists of legal
16 conclusions or argument to which no response is required, but to the extent a
17 response is required, the Alliance denies the same.
18

19 28. Paragraph 28 consists of legal conclusions or argument to which no
20 response is required. To the extent a response is required, the Alliance denies the
21 same.
22
23

II. JURISDICTION AND VENUE

29. The Alliance admits that venue is proper in this Court. The remainder of Paragraph 29 consists of characterizations of this action or legal conclusions or argument to which no response is required.

30. The Alliance admits that ESSB 5078 was signed by Governor Jay Inslee on March 23, 2022, and took effect on July 1, 2022. The remainder of Paragraph 30 consists of legal conclusions or argument to which no response is required, but to the extent a response is required, the Alliance denies the same.

31. The Alliance lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 31, which shall have the effect of a denial.

III. PARTIES

32. The Alliance lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 32, which shall have the effect of a denial.

33. The Alliance lacks sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 33, which shall have the effect of a denial.

34. The first sentence of Paragraph 34 consists of characterizations of this action to which no response is required. To the extent a response is required, the

1 Alliance denies the same. The second sentence of Paragraph 34 consists of legal
2 conclusions or argument to which no response is required. To the extent a response
3 is required, the Alliance denies the same. The third sentence of Paragraph 34 cites
4 a website, which speaks for itself. The Alliance denies all allegations, inferences,
5 and characterizations in Paragraph 34 inconsistent with the cited website.
6

7 35. The first sentence of Paragraph 35 consists of characterizations of this
8 action to which no response is required. To the extent a response is required, the
9 Alliance denies the same. The second sentence of Paragraph 35 consists of legal
10 conclusions or argument to which no response is required. To the extent a response
11 is required, the Alliance denies the same.
12

13 36. The first sentence of Paragraph 36 consists of characterizations of this
14 action to which no response is required. To the extent a response is required, the
15 Alliance denies the same. The second sentence of Paragraph 36 consists of legal
16 conclusions or argument to which no response is required. To the extent a response
17 is required, the Alliance denies the same.
18

19 37. The first sentence of Paragraph 37 consists of characterizations of this
20 action to which no response is required. To the extent a response is required, the
21 Alliance denies the same. The second sentence of Paragraph 37 consists of legal
22 conclusions or argument to which no response is required. To the extent a response
23 is required, the Alliance denies the same.
24

IV. FACTS AND LAW

38. The Alliance admits that Governor Jay Inslee signed ESSB 5078 into law on March 23, 2022. The remaining allegations in Paragraph 38 relate to cited bill and statutory provisions, which speak for themselves. The Alliance denies all allegations and characterizations in Paragraph 38 inconsistent with the cited provisions.

39. Paragraph 39 contains allegations related to statutory provisions, which speak for themselves. The Alliance denies all allegations and characterizations in Paragraph 39 inconsistent with the cited provisions. The remainder of Paragraph 39 consists of legal conclusions or argument to which no response is required. To the extent a response is required, the Alliance denies the same.

40. Paragraph 40 consists of legal conclusions or argument to which no response is required. To the extent a response is required, the Alliance denies the same.

41. Paragraph 41 consists of legal conclusions or argument to which no response is required. To the extent a response is required, the Alliance denies the same.

1 42. The bill and statutory provisions cited in Paragraph 42 speak for
2 themselves. The Alliance denies all allegations and characterizations in Paragraph
3 42 inconsistent with the cited provisions.

4 43. Paragraph 43 contains allegations related to statutory provisions,
5 which speak for themselves. The remaining allegations in Paragraph 43 are
6 subjective characterizations and do not require a response by way of factual
7 pleading, but to the extent a response is required, the Alliance denies the same. The
8 Alliance specifically denies that the term “large-capacity magazine” is inaccurate
9 or misleading.
10

11 44. The Alliance lacks sufficient knowledge or information to form a
12 belief about the truth of the allegations in the first sentence of Paragraph 44, which
13 shall have the effect of a denial. The remaining allegations in Paragraph 44 relate
14 to bill provisions, which speak for themselves, or are subjective characterizations
15 that do not require a response by way of factual pleading, but to the extent a
16 response is required, the Alliance denies the same.
17

18 45. The publication cited in Paragraph 45 speaks for itself. The Alliance
19 denies all allegations, inferences, and characterizations in Paragraph 45
20 inconsistent with the cited publication. To the extent Paragraph 45 alleges facts as
21 to the veracity of the publication’s findings or conclusions, or as to any inferences
22
23

1 drawn therefrom, the Alliance lacks sufficient knowledge or information to form a
2 belief as to their truth, which shall have the effect of a denial.

3 46. The website cited in Paragraph 46 speaks for itself. The Alliance
4 denies all allegations, inferences, and characterizations in Paragraph 46
5 inconsistent with the cited website. Paragraph 46 also consists of legal conclusions
6 or argument to which no response is required, but to the extent a response is
7 required, the Alliance denies the same. The Alliance lacks sufficient knowledge or
8 information to form a belief about the truth of the remaining allegations in
9 Paragraph 46, which shall have the effect of a denial.
10

11 47. Paragraph 47 contains legal conclusions or argument to which no
12 response is required. To the extent a response is required, the Alliance denies the
13 same. The Alliance lacks sufficient knowledge or information to form a belief
14 about the truth of the remaining allegations in Paragraph 47, which shall have the
15 effect of a denial.
16

17 48. Paragraph 48 contains legal conclusions or argument to which no
18 response is required. To the extent a response is required, the Alliance denies the
19 same. The Alliance lacks sufficient knowledge or information to form a belief
20 about the truth of the remaining allegations in Paragraph 48, which shall have the
21 effect of a denial.
22
23

1 49. The law review article cited in Paragraph 49 speaks for itself. The
2 Alliance denies all allegations, inferences, and characterizations in Paragraph 49
3 inconsistent with the cited publication.
4

5 50. The law review article cited in Paragraph 50 speaks for itself. The
6 Alliance denies all allegations, inferences, and characterizations in Paragraph 50
7 inconsistent with the cited publication. The remaining allegations in Paragraph 50
8 consist of legal conclusions or argument to which no response is required, but to
9 the extent a response is required, the Alliance denies the same.
10

11 51. Paragraph 51 contains subjective characterizations that do not require
12 a response by way of factual pleading. To the extent a response is required, the
13 Alliance denies the same. Paragraph 51 also contains legal conclusions or
14 argument to which no response is required. To the extent a response is required,
15 the Alliance denies the same.
16

17 52. Paragraph 52 consists of legal conclusions or argument to which no
18 response is required. To the extent a response is required, the Alliance denies the
19 same.
20

21 53. Paragraph 53 consists of legal conclusions or argument to which no
22 response is required. To the extent a response is required, the Alliance denies the
23 same.
24

1 54. Paragraph 54 consists of legal conclusions or argument to which no
2 response is required. To the extent a response is required, the Alliance denies the
3 same.

4 55. Paragraph 55 consists of subjective characterizations and does not
5 require a response by way of factual pleading, but to the extent a response is
6 required, the Alliance denies the same.

7 56. The Alliance admits that Washington State participated as an amicus
8 curiae in *Duncan v. Bonta* while it was on appeal in the U.S. Court of Appeals for
9 the Ninth Circuit. The remainder of Paragraph 56 consists of legal conclusions or
10 argument to which no response is required, but to the extent a response is required,
11 the Alliance denies the same.

12 57. Paragraph 57 contains legal conclusions or argument to which no
13 response is required. To the extent a response is required, the Alliance denies the
14 same.

15 58. The statutory provision cited in Paragraph 58 speaks for itself. The
16 Alliance denies all allegations, inferences, and characterizations in Paragraph 58
17 inconsistent with the cited provision. The Alliance lacks sufficient knowledge or
18 information to form a belief about the truth of the remaining allegations in
19 Paragraph 58, which shall have the effect of a denial.
20
21
22
23

1 59. The Alliance admits that Attorney General Robert Ferguson supported
2 passage of ESSB 5078 and Initiative Measure No. 1639. The remainder of
3 Paragraph 59 consists of legal conclusions or argument to which no response is
4 required. To the extent a response is required, the Alliance denies the same.
5

6 60. The website cited in Paragraph 60 speaks for itself. The Alliance
7 denies all allegations, inferences, and characterizations in Paragraph 60
8 inconsistent with the cited website. The Alliance lacks sufficient knowledge or
9 information to form a belief about the truth of the remaining allegations in
10 Paragraph 60, which shall have the effect of a denial.
11

12 61. The website cited in Paragraph 61 speaks for itself. The Alliance
13 denies all allegations, inferences, and characterizations in Paragraph 61
14 inconsistent with the cited website. Paragraph 61 also consists of legal conclusions
15 or argument to which no response is required, but to the extent a response is
16 required, the Alliance denies the same. The Alliance lacks sufficient knowledge or
17 information to form a belief about the truth of the remaining allegations in
18 Paragraph 61, which shall have the effect of a denial.
19

20 62. The website cited in Paragraph 62 speaks for itself. The Alliance
21 denies all allegations, inferences, and characterizations in Paragraph 62
22 inconsistent with the cited website. Paragraph 62 also contains legal conclusions or
23 argument to which no response is required, but to the extent a response is required,
24

1 the Alliance denies the same. The Alliance lacks sufficient knowledge or
2 information to form a belief about the truth of the remaining allegations in
3 Paragraph 62, which shall have the effect of a denial.
4

5 63. The Alliance admits that Attorney General Ferguson supported
6 passage of I-1639. The websites cited in Paragraph 63 speak for themselves. The
7 Alliance denies all allegations, inferences, and characterizations in Paragraph 63
8 inconsistent with the cited websites. The Alliance lacks sufficient knowledge or
9 information to form a belief about the truth of the remaining allegations in
10 Paragraph 63, which shall have the effect of a denial.
11

12 64. Paragraph 64 contains subjective characterizations to which no
13 response is required. To the extent a response is required, the Alliance denies the
14 same. The remainder of Paragraph 64 consists of legal conclusions or argument to
15 which no response is required. To the extent a response is required, the Alliance
16 denies the same.
17

18 65. Paragraph 65 contains subjective characterizations to which no
19 response is required. To the extent a response is required, the Alliance denies the
20 same. The Alliance lacks sufficient knowledge or information to form a belief
21 about the truth of the remaining allegations in Paragraph 65, which shall have the
22 effect of a denial.
23

1 66. The website cited in Paragraph 66 speaks for itself. The Alliance
2 denies all allegations, inferences, and characterizations in Paragraph 66
3 inconsistent with the cited website. The Alliance lacks sufficient knowledge or
4 information to form a belief about the truth of the remaining allegations in
5 Paragraph 66, which shall have the effect of a denial.
6

7 67. The website cited in Paragraph 67 speaks for itself. The Alliance
8 denies all allegations, inferences, and characterizations in Paragraph 67
9 inconsistent with the cited website. The remainder of Paragraph 67 consists of
10 subjective characterizations to which no response is required, but to the extent a
11 response is required, the Alliance denies the same.
12

13 68. Paragraph 68 contains subjective characterizations to which no
14 response is required. To the extent a response is required, the Alliance denies the
15 same.
16

17 69. The Alliance lacks sufficient knowledge or information to form a
18 belief about the truth of the allegations in Paragraph 69, which shall have the effect
19 of a denial.
20

21 70. The website cited in Paragraph 70 speaks for itself. The Alliance
22 denies all allegations, inferences, and characterizations in Paragraph 70
23 inconsistent with the cited website. The remainder of Paragraph 70 consists of
24

1 subjective characterizations to which no response is required, but to the extent a
2 response is required, the Alliance denies the same.

3 71. Paragraph 71 consists of legal conclusions or argument to which no
4 response is required. To the extent a response is required, the Alliance denies the
5 same.
6

7 72. Paragraph 72 contains subjective characterizations to which no
8 response is required, but to the extent a response is required, the Alliance denies
9 the same. The remainder of Paragraph 72 consists of legal conclusions or argument
10 to which no response is required, but to the extent a response is required, the
11 Alliance denies the same.
12

13 73. The Alliance admits that Attorney General Ferguson recused himself
14 from any role in formulating the ballot title and summary for I-1639. The
15 remainder of Paragraph 73 contains subjective characterizations or legal
16 conclusions or argument to which no response is required, but to the extent a
17 response is required, the Alliance denies the same.
18

19 74. The Alliance admits that Attorney General Ferguson recused himself
20 from any role in formulating the ballot title and summary for I-1639. The
21 remainder of Paragraph 74 contains subjective characterizations or legal
22 conclusions or argument to which no response is required, but to the extent a
23 response is required, the Alliance denies the same.
24

1 75. The website cited in Paragraph 75 speaks for itself. The Alliance
2 denies all allegations, inferences, and characterizations in Paragraph 75
3 inconsistent with the cited website. The Alliance admits that Attorney General
4 Ferguson recused himself from any role in formulating the ballot title and
5 summary for I-1639. The remainder of Paragraph 75 consists of subjective
6 characterizations to which no response is required, but to the extent a response is
7 required, the Alliance denies the same.
8

9 76. The statutory provision cited in Paragraph 76 speaks for itself. The
10 Alliance denies all allegations, inferences, and characterizations in Paragraph 76
11 inconsistent with the cited provision.
12

13 77. The Alliance admits that Attorney General Ferguson supported
14 passage of I-1639. The remainder of Paragraph 77 consists of subjective
15 characterizations or legal conclusions or argument to which no response is
16 required, but to the extent a response is required, the Alliance denies the same.
17

18 78. Paragraph 78 consists of legal conclusions or argument to which no
19 response is required. To the extent a response is required, the Alliance denies the
20 same.

21 79. The Alliance admits that Attorney General Ferguson supported
22 passage of I-1639 and spoke at the election night victory party for the measure.

23 The website cited in Paragraph 79 speaks for itself. The Alliance denies all

1 allegations, inferences, and characterizations in Paragraph 79 inconsistent with the
2 cited website. The remainder of Paragraph 79 consists of subjective
3 characterizations or legal conclusions or argument to which no response is
4 required, but to the extent a response is required, the Alliance denies the same.
5

6 80. The Alliance admits that Attorney General Ferguson supported
7 passage of I-1639 and spoke at the election night victory party for the measure.
8 The Alliance lacks sufficient knowledge or information to form a belief about the
9 truth of the remaining allegations or authenticity of the photograph in Paragraph
10 80, which shall have the effect of a denial.
11

12 81. Paragraph 81 consists of subjective characterizations to which no
13 response is required, but to the extent a response is required, the Alliance denies
14 the same.

15 82. Paragraph 82 consists of subjective characterizations to which no
16 response is required, but to the extent a response is required, the Alliance denies
17 the same.
18

19 83. The website cited in Paragraph 83 speaks for itself. The Alliance
20 denies all allegations, inferences, and characterizations in Paragraph 83
21 inconsistent with the cited website. The remainder of Paragraph 83 consists of
22 legal conclusions or argument to which no response is required, but to the extent a
23 response is required, the Alliance denies the same.
24

1 84. The Alliance admits that Attorney General Ferguson supported
2 passage of ESSB 5078, which was signed into law by Governor Inslee. The
3 remainder of Paragraph 84 consists of subjective characterizations or legal
4 conclusions or argument to which no response is required, but to the extent a
5 response is required, the Alliance denies the same.
6

7 85. The Alliance admits that Attorney General Ferguson supported
8 passage of ESSB 5078, which was signed into law by Governor Inslee on March
9 23, 2022. The remainder of Paragraph 85 consists of legal conclusions or argument
10 to which no response is required, but to the extent a response is required, the
11 Alliance denies the same.
12

13 86. Paragraph 86 consists of legal conclusions or argument to which no
14 response is required. To the extent a response is required, the Alliance denies the
15 same.
16

17 87. Paragraph 87 consists of legal conclusions or argument to which no
18 response is required. To the extent a response is required, the Alliance denies the
19 same.
20

21 88. Paragraph 88 contains subjective characterizations to which no
22 response is required. To the extent a response is required, the Alliance denies the
23 same. The remainder of Paragraph 88 consists of legal conclusions or argument to
24

1 which no response is required, but to the extent a response is required, the Alliance
2 denies the same.

3 89. The website cited in Paragraph 89 speaks for itself. The Alliance
4 denies all allegations, inferences, and characterizations in Paragraph 89
5 inconsistent with the cited website.
6

7 90. Paragraph 90 consists of legal conclusions or argument to which no
8 response is required. To the extent a response is required, the Alliance denies the
9 same.
10

11 91. Paragraph 91 contains legal conclusions and argument to which no
12 response is required. To the extent a response is required, the Alliance denies the
13 same. The Alliance lacks sufficient knowledge or information to form a belief
14 about the truth of the remaining allegations in Paragraph 91, which shall have the
15 effect of a denial.

16 92. The Alliance lacks sufficient knowledge or information to form a
17 belief about the truth of the allegations in the first sentence of Paragraph 92, which
18 shall have the effect of a denial. The remainder of Paragraph 92 consists of legal
19 conclusions and argument to which no response is required. To the extent a
20 response is required, the Alliance denies the same.
21
22
23

1 93. The Alliance lacks sufficient knowledge or information to form a
2 belief about the truth of the allegations in Paragraph 93, which shall have the effect
3 of a denial.

4 94. The Alliance lacks sufficient knowledge or information to form a
5 belief about the truth of the allegations in Paragraph 94, which shall have the effect
6 of a denial.

7 95. The Alliance lacks sufficient knowledge or information to form a
8 belief about the truth of the allegations in Paragraph 95, which shall have the effect
9 of a denial.
10

11 96. Paragraph 96 contains legal conclusions and argument to which no
12 response is required. To the extent a response is required, the Alliance denies the
13 same. The Alliance lacks sufficient knowledge or information to form a belief
14 about the truth of the remaining allegations in Paragraph 96, which shall have the
15 effect of a denial.
16

17 V. COUNT ONE

18 97. Paragraph 97 consists of legal conclusions or argument to which no
19 response is required. To the extent a response is required, the Alliance denies the
20 same.
21

1 98. Paragraph 98 consists of legal conclusions or argument to which no
2 response is required. To the extent a response is required, the Alliance denies the
3 same.

4 99. Paragraph 99 consists of legal conclusions or argument to which no
5 response is required. To the extent a response is required, the Alliance denies the
6 same.

7 100. Paragraph 100 consists of legal conclusions or argument to which no
8 response is required. To the extent a response is required, the Alliance denies the
9 same.
10

11 101. Paragraph 101 consists of legal conclusions or argument to which no
12 response is required. To the extent a response is required, the Alliance denies the
13 same.
14

15 102. Paragraph 102 consists of legal conclusions or argument to which no
16 response is required. To the extent a response is required, the Alliance denies the
17 same.
18

19 103. Paragraph 103 consists of legal conclusions or argument to which no
20 response is required. To the extent a response is required, the Alliance denies the
21 same.
22
23

104. Paragraph 104 consists of legal conclusions or argument to which no response is required. To the extent a response is required, the Alliance denies the same.

105. Paragraph 105 consists of legal conclusions or argument to which no response is required. To the extent a response is required, the Alliance denies the same.

106. The Alliance admits that bullets are loaded into firearms, and that firearm magazines, including detachable magazines, can be used to load bullets into firearms. The remaining allegations in Paragraph 106 are subjective characterizations that do not require a response by way of factual pleading, but to the extent a response is required, the Alliance denies the same.

107. Paragraph 107 consists of legal conclusions or argument to which no response is required. To the extent a response is required, the Alliance denies the same.

VI. COUNT TWO

108. The Alliance incorporates its responses as set forth above.

109. The first sentence of Paragraph 109 contains legal conclusions and argument to which no response is required. To the extent a response is required, the Alliance denies the same. The Alliance lacks sufficient knowledge or

1 information to form a belief about the truth of the remaining allegations in
2 Paragraph 109, which shall have the effect of a denial.

3 110. The allegations in Paragraph 110 constitute legal conclusions or
4 argument to which no response is required. To the extent a response is required,
5 the Alliance denies the same.
6

7 111. The allegations in Paragraph 111 constitute legal conclusions or
8 argument to which no response is required. To the extent a response is required,
9 the Alliance denies the same.
10

11 **VII. PRAYER FOR RELIEF**

12 The Prayer for Relief portion of the Complaint makes no allegation to which
13 an answer is required. To the extent a response is required, the Alliance denies that
14 Plaintiffs are entitled to the requested relief or any other relief.

15 **OMNIBUS DENIAL**

16 Unless otherwise specifically admitted above, the Alliance denies each and
17 every remaining allegation in the Complaint.
18

19 **DEFENSES AND AFFIRMATIVE DEFENSES**

20 The Alliance asserts the following defenses:

21 1. Plaintiffs fail to state a claim upon which relief can be granted.

22 The Alliance incorporates by reference and adopts as its own any defense
23 asserted by any other Defendant, and reserves the right to amend this Answer to
24

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26

1 assert additional defenses and affirmative defenses as additional facts are obtained
2 through investigation and discovery.

3 **ALLIANCE’S PRAYER FOR RELIEF**

4 WHEREFORE, having fully answered the Complaint and having asserted
5 defenses and affirmative defenses, the Alliance respectfully requests the following
6 relief:
7

- 8 1. That the Complaint be dismissed with prejudice and that no relief be
9 granted to Plaintiffs;
10
11 2. That the Court enter final judgment in the Alliance’s favor;
12
13 3. That the Court award the Alliance its reasonable expenses, costs, and
14 attorney fees incurred in defending this action as authorized by law or equity; and
15
16 4. All other relief as the Court deems just and equitable.

17 DATED this 11th day of October, 2022.

18 PACIFICA LAW GROUP LLP

19 s/ Kai A. Smith

20 Zachary J. Pekelis, WSBA #44557

Kai A. Smith, WSBA #54749

21 *Attorneys for Intervenor-Defendant*
22 *Alliance for Gun Responsibility*

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of October, 2022, I electronically filed the foregoing document with the Clerk of the United States District Court using the CM/ECF system which will send notification of such filing to all parties who are registered with the CM/ECF system.

DATED this 11th day of October, 2022.



Erica Knerr